

ORDINANCE NO. 10-348

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LOS ALTOS AMENDING CHAPTERS 11.12, 14.06, 14.08, 14.10,
14.12, 14.42, 14.48, 14.50, 14.74 AND 14.82 OF THE LOS ALTOS MUNICIPAL
CODE PERTAINING TO USE PERMIT FINDINGS FOR WIRELESS FACILITIES,
BASEMENT LIGHT WELLS AND POOL EQUIPMENT IN R1 DISTRICTS;
PERMITTED USES IN THE CRS DISTRICT, LIMITED CONDITIONAL USES
IN THE CT DISTRICT, PARKING REQUIREMENTS FOR OFFICE USES,
AND THE BOARD OF ADJUSTMENTS APPEALS PROCESS.**

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: A portion of Section 11.12.060 of Chapter 11.12 of the Los Altos Municipal Code entitled "Use permit requirements" is hereby replaced with the following:

Personal wireless services and facilities shall require use permit approval and shall be subject to the findings set forth in Chapter 14.80.060: (A-D) of this code for such applications. Applications for use permits shall require public hearings and shall be reviewed as follows:

SECTION 2. AMENDMENT OF CODE: A portion of Section 14.06.120 of Chapter 14.06, Section 14.08.120 of Chapter 14.08, Section 14.10.120 of Chapter 14.10 and Section 14.12.120 of Chapter 14.12 of the Los Altos Municipal Code entitled "Accessory structures, outdoor barbeques and swimming pools" is hereby replaced with the following:

E. Accessory structures containing swimming pool motors and equipment shall not be located in a required interior side yard setback area.

SECTION 3. AMENDMENT OF CODE: A portion of Section 14.06.120 of Chapter 14.06 of the Los Altos Municipal Code entitled "Basements (R1-10)" is hereby replaced with the following:

B. Light wells, ingress and egress wells, patio wells, and other similar elements shall not be permitted within a required front or exterior side yard setback. These elements may be permitted within an interior side or rear yard setback, but in no event closer than five feet to a property line;

SECTION 4. AMENDMENT OF CODE: A portion of Section 14.48.030 of Chapter 14.48 of the Los Altos Municipal Code entitled "Permitted uses (CRS)" is hereby replaced with the following:

D. Personal services, except when located in a ground floor building space that fronts directly onto First Street, Main Street or State Street;

SECTION 5. AMENDMENT OF CODE: A portion of Section 14.48.180 of Chapter 14.48 of the Los Altos Municipal Code entitled "Exceptions for public benefit (CRS)" is hereby replaced with the following:

B. For the purposes of this chapter, exceptions may include, but are not limited to, setbacks, on-site parking, and development or building standards.

SECTION 6. AMENDMENT OF CODE: Section 14.50.050 of Chapter 14.50 of the Los Altos Municipal Code entitled "Limited conditional uses (CT)" is hereby replaced with the following:

Limited conditional uses (CT).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted except on parcels within fifty (50) feet of an R

District:

- A. Automotive display or salesrooms, servicing and repair;
- B. Cabinet and carpenter shops;
- C. Drive-through facilities, including car washes;
- D. Service stations provided the site has at least one hundred (100) feet of frontage on a street with a minimum site area of twenty thousand (20,000) square feet;
- E. Sheet metal shops;
- F. Sign painting shops; and
- G. Theaters and auditoriums.

SECTION 7. AMENDMENT OF CODE: Section 14.74.090 of Chapter 14.74 of the Los Altos Municipal Code entitled "Office uses in OA-1, OA-4.5 and CN Districts" is hereby replaced with the following:

Office uses in OA-1, OA-4.5 and CN Districts.

Parking space requirements shall be not less than one parking space for each three hundred (300) square feet of gross square footage. For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.

SECTION 8. AMENDMENT OF CODE: Section 14.74.100 of Chapter 14.74 of the Los Altos Municipal Code entitled "Office uses in OAD, OA, CS, CD, CRS and CT Districts" is hereby replaced with the following:

Office uses in OAD, OA, CS, CD, CRS and CT Districts.

For those properties which participated in a public parking district, no parking shall be required for the gross square footage which does not exceed one hundred (100) percent of the lot area. Parking shall be required for any gross square footage in excess of one hundred (100) percent of the lot area and for those properties which did not participate in a public parking district and shall be not less than one parking space for each three hundred (300) square feet of gross floor area. For the purposes of this section, "gross square footage" shall mean the total horizontal area in square feet on each floor, including basements, but not including the area of inner courts or shaft enclosures.

SECTION 9. AMENDMENT OF CODE: Section 14.42.050 of Chapter 14.42 of the Los Altos Municipal Code entitled "Off-street parking (LC/SPZ)" is hereby replaced with the following:

Off-street parking (LC/SPZ).

Not less than one parking space for each three hundred (300) square feet of gross floor area shall be required. Properties whose existing ground floor space is occupied by a nonconforming use shall not be permitted second-level office use expansion based upon a parking ratio of one space for each three hundred (300) square feet of gross floor area unless an amount of ground

floor space equivalent to the second floor addition is converted to a conforming permitted or conditionally permitted use, unless the nonconforming use is found by the city council to be an undesirable retail location, and there is a parking study from which the city council may determine that on-site parking is adequate.

SECTION 10. AMENDMENT OF CODE: Section 14.74.150 of Chapter 14.74 of the Los Altos Municipal Code entitled "More than one use" is hereby replaced with the following:

Mixed use development.

Where more than one use is included in one building or on a single parcel, the parking requirements shall be the sum total of the requirements of all the uses; provided, however, when determined by the City that a conflict in demand for parking will not occur, parking requirements may be combined. Appropriate legal documents, as approved by the city attorney, shall be executed when such combination is approved. Any use or building requiring five-tenths or more parking space shall be deemed to require a full space.

SECTION 11. AMENDMENT OF CODE: Portions of Section 14.74.200 of Chapter 14.74 of the Los Altos Municipal Code entitled "Development standards for off-street parking and truck loading spaces" are hereby replaced with the following:

O. If found to be necessary or desirable by the City, the design standards set forth in this section may be waived for public and community facility uses or commercially operated public parking facilities in order to permit attended or supervised parking.

P. District requirements resulting in one half or greater parking space shall be deemed to require a full space.

SECTION 12. AMENDMENT OF CODE: Section 14.82.060 of Chapter 14.82 of the Los Altos Municipal Code entitled "Appeals to the council" is hereby replaced with the following:

Appeals.

A. Within fifteen (15) days after the date of any approval or denial by the board of adjustments on a variance application, the decision may be appealed to the planning commission.

B. Within fifteen (15) days of any approval or denial of a planning commission appeal request, the decision may be further appealed to the city council.

C. The planning commission and/or council may reverse or modify a decision of the board; provided, however, if a decision denying an application for a variance is reversed or modified, the planning commission and/or council, on the basis of the record transmitted by the board and such additional evidence as may be submitted, shall make the findings prerequisite to the granting of a variance as set forth in subsections A and B of Section 14.82.050 of this chapter.

SECTION 13. ENVIRONMENTAL ANALYSIS. The amended regulations set forth herein have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and the guidelines promulgated thereunder, and Council finds that it can be seen with certainty that there are no significant environmental impacts on the environment resulting from these amendments and said amendments are therefore exempt from the requirements of the CEQA.

SECTION 14. FINDINGS. The City Council finds in accordance with Chapter 14.86 of the Municipal Code that the amendments are in the best interest of the City for the protection and/or

promotion of the public health, safety, comfort, convenience, prosperity, and welfare; and that the amendments are in conformance with the City of Los Altos General Plan.

SECTION 15. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 16. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 17. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on March 23, 2010 and was thereafter, at a regular meeting held on April 13, 2010 passed and adopted by the following vote:

AYES: SATTERLEE, CARPENTER, BECKER, PACKARD
NOES: NONE
ABSENT: CASAS



Ronald D. Packard, MAYOR PRO-TEM

Attest:



Susan Kitchens, CITY CLERK

Date: April 21, 2010